

Title 22

Register 2002, April 19, 2002

NTP SPECIFIC

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§51341.1. Drug Medi-Cal Substance Abuse Services.

(a) Substance abuse services, as defined in this section, provided to Medi-Cal beneficiaries, are covered by the Medi-Cal program when determined medically necessary in accordance with Section 51303. Services shall be prescribed by a physician, and are subject to utilization controls, as set forth in Section 51159.

(b) For the purposes of this Section, the following definitions and requirements shall apply:

ADMISSION DATE

(1) **“Admission to treatment date” means the date of the first face-to-face treatment service, as described in Subsection (d) of this regulation, rendered by the provider to the beneficiary.**

(2) **“ADP” means the State of California Department of Alcohol and Drug Programs which is authorized to administer Drug Medi-Cal substance abuse services through an interagency agreement with the State of California Department of Health Services. Whenever ADP contracts for Drug Medi-Cal substance abuse services directly with a provider, ADP shall also assume the role and responsibilities assigned to the county under this section.**

COLLATERALS

(3) **“Collateral services” means face-to-face sessions with therapists or counselors and significant persons in the life of a beneficiary, focusing on the treatment needs of the beneficiary in terms of supporting the achievement of the beneficiary's treatment goals. Significant persons are individuals that have a personal, not official or professional, relationship with the beneficiary.**

(4) **“County” means the department authorized by the county board of supervisors to administer alcohol and substance abuse programs, including Drug Medi-Cal substance abuse services.**

CRISES INTER- VENTION

(5) **“Crisis intervention” means a face-to-face contact between a therapist or counselor and a beneficiary in crisis. Services shall focus on alleviating crisis problems. “Crisis” means an actual relapse or an unforeseen event or circumstance which presents to the beneficiary an imminent threat of relapse. Crisis intervention services shall be limited to stabilization of the beneficiary's emergency situation.**

DCH

(6) **“Day care habilitative services” means outpatient counseling and rehabilitation services provided at least three (3) hours per day, three (3) days per week to persons with substance abuse diagnoses, who are pregnant or in the postpartum period, and/or to Early and Periodic Screening Diagnosis and Treatment (EPSDT)-eligible beneficiaries, as otherwise authorized in this Chapter.**

(7) “DHS” means the State of California Department of Health Services.

**GROUP
COUNSELING**

(8) “Group counseling” means face-to-face contacts in which one or more therapists or counselors treat two or more clients at the same time, focusing on the needs of the individuals served. For outpatient drug free treatment services and narcotic treatment programs, group counseling shall be conducted with no less than four and no more than 10 clients at the same time, only one of whom needs to be a Medi-Cal beneficiary.

**INDIVIDUAL
COUNSELING**

(9) “Individual counseling” means face-to-face contacts between a beneficiary and a Therapist or counselor. Telephone contacts, home visits, and hospital visits shall not qualify as Medi-Cal reimbursable units of service.

(10) “Intake” means the process of admitting a beneficiary into a substance abuse treatment program. Intake includes the evaluation or analysis of the cause or nature of mental, emotional, psychological, behavioral, and substance abuse disorders; the diagnosis of substance disorders utilizing the Diagnostic and Statistical Manual of Mental Disorders Third Edition-Revised or Fourth Edition, published by the American Psychiatric Association; and the assessment of treatment needs to provide medically necessary treatment services by a physician licensed to practice medicine in the State of California. Intake may include a physical examination and laboratory testing (e.g., body specimen screening) necessary for substance abuse treatment and evaluation conducted by staff lawfully authorized to provide such services and/or order laboratory testing within the scope of their practice or licensure.

(11) “Medical psychotherapy” is a type of counseling service that has the same meaning as defined in Section 10345 of Title 9, CCR.

(12) “Medication Services” means the prescription or administration of medication related to substance abuse treatment services, or the assessment of the side effects or results of that medication conducted by staff lawfully authorized to provide such services and/or order laboratory testing within the scope of their practice or licensure.

NALTREXONE

(13) “Naltrexone treatment services” means an outpatient treatment service directed at serving detoxified opiate addicts who have substance abuse diagnosis by using the drug Naltrexone, which blocks the euphoric effects of opiates and helps prevent relapse to opiate addiction.

NTP

(14) “Narcotic treatment program” means an outpatient service using methadone and/or levoalphacetylmethadol (LAAM), directed at stabilization and rehabilitation of persons who are opiate addicted and have a substance abuse diagnoses. For the purposes of this section, “narcotic treatment program” does not include detoxification treatment.

ODF

(15) “Outpatient drug free treatment services” means an outpatient service directed at stabilizing and rehabilitating persons with substance abuse diagnoses.

PERINATAL

(16) “Perinatal certified substance abuse program” means a Medi-Cal certified program which provides substance abuse services, as specified in Subsection (c)(4) of this regulation, to pregnant and postpartum women with substance abuse diagnoses.

**RESIDENTIAL
PERI-NATAL**

(17) “Perinatal residential substance abuse services program” means a non-institutional, non-medical, residential program which provides rehabilitation services to pregnant and postpartum women with substance abuse diagnoses. Each beneficiary shall live on the premises and shall be supported in her efforts to restore, maintain, and apply interpersonal and independent living skills and access community support systems. Programs shall provide a range of activities and services for pregnant and postpartum women. Supervision and treatment services shall be available day and night, seven days a week.

(18) “Postpartum” means individuals who meet the criteria specified in Sections 50260 or 50262.3(a).

§50260. 60-Day Postpartum Services Program.

A pregnant woman who was eligible for and received Medi-Cal during the last month of pregnancy, shall continue to be eligible for all pregnancy related and postpartum services, for a 60-day period beginning on the last day of pregnancy, regardless of whether the other conditions of eligibility are met. Eligibility for this program ends on the last day of the month in which the 60th day occurs.

(19) “Postservice postpayment utilization review” has the same meaning as Section 51159(c).

c) Postservice postpayment audit, which is review for medical necessity and program coverage after service was rendered and the claim paid. The department may take appropriate steps to recover payments made if subsequent investigation uncovers evidence that the claim should not have been paid.

(20) “Provider” means the legal entity certified pursuant to Section 51200 to provide Drug Medi-Cal substance abuse services to eligible beneficiaries at its certified location(s).

(21) “Substance abuse diagnoses” are those set forth in the Diagnostic and Statistical Manual of Mental Disorders Third Edition-Revised or Fourth Edition, published by the American Psychiatric Association.

(22) “Unit of service” means:

(A) For outpatient drug free, day care habilitative, perinatal residential, and Naltrexone treatment services, a face-to-face contact on a calendar day.

(B) For narcotic treatment program services, a calendar month of treatment services provided pursuant to this section and Chapter 4 commencing with Section 10000 of Title 9, CCR.

(c) Drug Medi-Cal substance abuse services for pregnant and postpartum women:

**SERVICES
FOR
PREGNANT
-
POSTPARTUM**

(1) Any of the substance abuse services listed in subsection (d) of this regulation shall be reimbursed at enhanced perinatal rates pursuant to Section 51516.1(a)(3) only when delivered by providers who have been certified pursuant to Section 51200 to provide perinatal Medi-Cal services to pregnant and postpartum women.

(2) Only pregnant and postpartum women are eligible to receive residential substance abuse services.

(3) Perinatal services shall address treatment and recovery issues specific to pregnant and postpartum women, such as relationships, sexual and physical abuse, and development of parenting skills.

(4) Perinatal services shall include:

**PERINATAL
SERVICES**

(A) Mother/child habilitative and rehabilitative services (i.e., development of parenting skills, training in child development, which may include the provision of cooperative child care pursuant to Health and Safety Code Section 1596.792);

(B) Service access (i.e., provision of or arrangement for transportation to and from medically necessary treatment);

(C) Education to reduce harmful effects of alcohol and drugs on the mother and fetus or the mother and infant; and

(D) Coordination of ancillary services (i.e., assistance in accessing and completing dental services, social services, community services, educational/vocational training and other services which are medically necessary to prevent risk to fetus or infant).

(d) Drug Medi-Cal substance abuse services shall include:

**NTP
SERVICES**

(1) Narcotic treatment program services, utilizing methadone and/or levoalphacetylmethadol (LAAM) as narcotic replacement drugs, including intake, treatment planning, medical direction, body specimen screening, physician and nursing services related to substance abuse, medical psychotherapy, individual and/or group counseling, admission physical examinations and laboratory tests, medication services, and the provision of methadone and/or LAAM, as prescribed by a physician to alleviate the symptoms of withdrawal from opiates, rendered in accordance with the requirements set forth in Chapter 4 commencing with Section 10000 of Title 9, CCR

**ODF
SERVICES**

(2) Outpatient drug free treatment services including admission physical examinations, intake, medical direction, medication services, body specimen screens, treatment and discharge planning, crisis intervention, collateral services, group counseling, and

individual counseling, provided by staff that are lawfully authorized to provide, prescribe and/or order these services within the scope of their practice or licensure, subject to the following:

**GROUP
COUNSELING**

(A) **Group counseling sessions shall focus on short-term personal, family, job/school, and other problems and their relationship to substance abuse or a return to substance abuse. Services shall be provided by appointment. Each beneficiary shall receive at least two group-counseling sessions per month.**

**INDIVIDUAL
COUNSELING**

(B) **Individual counseling shall be limited to intake crisis intervention, collateral services, and treatment and discharge planning.**

**DCH
SERVICES**

(3) Day care habilitative services including intake, admission physical examinations, medical direction, treatment planning, individual and group counseling, body specimen screens, medication services, collateral services, and crisis intervention, provided by staff that are lawfully authorized to provide, prescribe and/or order these services within the scope of their practice or licensure. Day care habilitative services shall be provided only to pregnant and postpartum women and/or to EPSDT-eligible beneficiaries as otherwise authorized in this Chapter. The service shall consist of regularly assigned, structured, and supervised treatment.

**PERINATAL
RESIDENTIAL
SERVICES**

(4) Perinatal residential substance abuse services including intake, admission physical examinations and laboratory tests, medical direction, treatment planning, individual and group counseling services, parenting education, body specimen screens, medication services, collateral services, and crisis intervention services, provided by staff that are lawfully authorized to provide and/or order these services within the scope of their practice or licensure.

(A) **Perinatal residential substance abuse services shall be provided in a residential facility licensed by ADP pursuant to Chapter 5 (commencing with Section 10500), Division 4, Title 9, CCR.**

(B) **Perinatal residential substance abuse services shall be reimbursed through the Medi-Cal program only when provided in a facility with a treatment capacity of 16 beds or less, not including beds occupied by children of residents [In accordance with 42 USC Section 1396d(a)(25)(B) and Section 1396(i) and 42 CFR Section 435.1009, Medicaid reimbursement is not allowed for individuals in facilities with a treatment capacity of more than 16 beds].**

(C) Room and board shall not be reimbursable through the Medi-Cal program.

**NALTREXONE
SERVICES**

(5) Naltrexone treatment services including intake, admission physical examinations, treatment planning, provision of medication services, medical direction, physician and nursing services related to substance abuse, body specimen screens, individual and group counseling, collateral services, and crisis intervention services, provided by staff that are

lawfully authorized to provide, prescribe and/or order these services within the scope of their practice or licensure. Naltrexone treatment services shall only be provided to a beneficiary who:

- (A) Has a confirmed, documented history of opiate addiction;
- (B) Is at least (18) years of age;
- (C) Is opiate free; and
- (D) Is not pregnant.

(e) ADP shall:

***ADP
SERVICES***

- (1) Provide administrative and fiscal oversight, monitoring, and auditing for the provision of statewide Drug Medi-Cal substance services;
- (2) Ensure that utilization review is maintained through on-site postservice postpayment utilization review; and
- (3) Demand recovery of payment in accordance with the provisions of Subsection (m) of this regulation.

(f) The county shall:

***COUNTY
SERVICES***

- (1) Implement and maintain a system of fiscal disbursement and controls over the Drug Medi-Cal substance abuse services rendered by providers delivering services within its jurisdiction pursuant to an executed provider agreement;
- (2) Monitor to ensure that billing for reimbursement is within the rates established for services; and
- (3) Process claims for reimbursement.

(g) In addition to the requirements of Section 51476 and the regulations set forth in this chapter, the provider shall:

***THE
PROVIDER
SHALL***

- (1) **Establish, maintain, and update as necessary, an individual patient record for each beneficiary admitted to treatment and receiving services. For purposes of this regulation, “an individual patient record” means a file for each beneficiary which shall contain, but not be limited to, information specifying the beneficiary's identifier (i.e., name, number), date of beneficiary's birth, the beneficiary's sex, race and/or ethnic background, beneficiary's address and telephone number, beneficiary's next of kin or emergency contact, and all documentation relating to the beneficiary gathered during the treatment episode, including all intake and admission data, all treatment plans, progress notes, continuing services justifications, laboratory test orders and results, referrals, counseling notes, discharge**

summary and any other information relating to the treatment services rendered to the beneficiary.

(2) Maintain group counseling sign-in sheets which indicate the date and duration of the session;

(3) Provide services; and

(4) Submit claims for reimbursement and maintain documentation specified in Section 51008.5 supporting good cause claims where the good cause results from provider-related delays.

(h) For a provider to receive reimbursement for Drug Medi-Cal substance abuse services, those services shall be provided by or under the direction of a physician and the following requirements shall apply:

(1) Admission criteria and procedures

(A) For outpatient drug free, Naltrexone treatment, day care habilitative, and perinatal residential treatment services, the provider shall perform all of the following:

(i) Develop and use criteria and procedures for the admission of beneficiaries to treatment.

(ii) Complete a personal, medical, and substance abuse history for each beneficiary upon admission to treatment.

(iii) Complete an assessment of the physical condition of the beneficiary within thirty (30) calendar days of the admission to treatment date. The assessment shall be completed by either:

(a) A physical examination of the beneficiary by a physician, registered nurse practitioner, or physician assistant authorized by state law to perform the prescribed procedures; or

(b) A review of the beneficiary's medical history, substance abuse history, and/or the most recent physical examination documentation. If the assessment is made without benefit of a physical examination, the physician shall complete a waiver which specifies the basis for not requiring a physical examination.

(B) In addition to the requirements of Subsection (h)(1)(A) of this regulation, for Naltrexone treatment services, the following shall apply:

(i) The provider shall confirm that the beneficiary:

******ADMISSION****
****CRITERIA******

**ODF
PERINATAL
DCH
NALTREXONE**

**ADDITIONAL
NALTREXONE
ADMISSION
REQUIREMENTS**

- (a) Has a documented history of opiate addiction;
- (b) Is at least eighteen (18) years of age;
- (c) Has been opiate free for a period of time to be determined by a physician based on the physician's clinical judgment. The provider shall administer a body specimen test to confirm the opiate free status of the beneficiary; and
- (d) Is not pregnant and is discharged from the treatment if she becomes pregnant.

(ii) The physician shall certify beneficiary's fitness for treatment based upon the beneficiary's physical examination, medical history, and laboratory results; and

(iii) The physician shall advise beneficiaries of the overdose risk should they return to opiate use while taking Naltrexone and the ineffectiveness of opiate pain relievers while on Naltrexone.

**NTP
ADMISSION
REQUIREMENTS**

? ? (C) For narcotic treatment programs, the provider shall adhere to the admission criteria specified in Section 10270, Title 9.

*******BEGIN TITLE 9*******
§10270. Criteria for Patient Selection.

(a) Before admitting an applicant to detoxification or maintenance treatment, the medical director shall either conduct a medical evaluation or document his or her review and concurrence of a medical evaluation conducted by the physician extender. At a minimum this evaluation shall consist of:

- (1) **A medical history** which includes the applicant's history of illicit drug use;
- (2) **Laboratory tests** for determination of narcotic drug use, tuberculosis, and syphilis (unless the medical director has determined the applicant's subcutaneous veins are severely damaged to the extent that a blood specimen cannot be obtained); and

(3) **A physical examination** which includes:

(A) **An evaluation** of the applicant's organ systems for possibility of infectious diseases; pulmonary, liver, or cardiac abnormalities; and dermatologic sequelae of addiction;

(B) **A record of the applicant's vital signs** (temperature, pulse, blood pressure, and respiratory rate);

(C) **An examination** of the applicant's head, ears, eyes, nose, throat (thyroid), chest (including heart, lungs, and breasts), abdomen, extremities, skin, and general appearance;

(D) **An assessment** of the applicant's neurological system; and

(E) **A record of an overall impression which identifies any medical condition or**

**NTP
PATIENT
SELECTION
CRITERIA**

health problem for which treatment is warranted.

(b) **Before admitting an applicant** to either detoxification or maintenance treatment, the medical director shall:

**NTP
MEDICAL
OFFICER
DOCUMENTATION**

- (1) **Document the evidence**, or review and concur with the physician extender's documentation of evidence, used from the medical evaluation to determine physical dependence (except as specified in paragraphs (d)(5)(A) and (d)(5)(B) of this section) and addiction to opiates; and
- (2) **Document** his or her final determination concerning physical dependence (except as specified in paragraphs (d)(5)(A) and (d)(5)(B) of this section) and addiction to opiates.

(c) Detoxification Treatment.

The program shall determine which applicants with an addiction to opiates are accepted as patients for detoxification treatment subject to the **following minimum criteria which shall be documented in the patient records:**

**NTP
DETOXIFICATION**

- (1) Certification of fitness for replacement narcotic therapy by a physician.
- (2) Determination by a program physician that the patient is currently physically dependent on opiates. Evidence of current physical dependence shall include:
 - (A) Observed signs of physical dependence, which shall be clearly and specifically noted in the patient's record.
 - (B) Results of an initial test or analysis for illicit drug use shall be used to aid in determining current physical dependence, and shall be noted in the patient's record. Results of the initial test or analysis may be obtained after commencement of detoxification treatment.
- (3) Patients under the age of 18 years shall have the written consent of their parent(s) or guardian prior to the administration of the first medication dose.
- (4) At least seven days shall have elapsed since termination of the immediately preceding episode of detoxification treatment. A program may not knowingly admit a patient who does not satisfy this requirement.
- (5) The patient's signed statement that at least seven days have elapsed since termination of the immediately preceding episode of detoxification treatment may, if reliable, be acceptable evidence of compliance with the requirements of subsection (c)(4) above.
- (6) The applicant is not in the last trimester of pregnancy.

(d) Maintenance Treatment.

The program shall determine which applicants with an addiction to opiates are accepted as patients for maintenance treatment subject to the following minimum criteria which shall be entered in the patient records:

**NTP
MAINTENANCE**

- (1) **Confirmed documented history of at least two years of addiction to opiates.** The method to be used to make confirmations shall be stated in the protocol. The program shall maintain in the patient record documents, such as records of arrest or treatment failures, which are used to confirm two years of addiction to opiates. Statements of personal friends or family shall not be sufficient to establish a history of addiction. With prior Department approval, the program may make an exception to this

requirement only if the program physician determines, based on his or her medical training and expertise, that withholding treatment constitutes a life- or health-endangering situation. The program physician shall document the reason for this determination in the patient record.

(2) Confirmed history of two or more unsuccessful attempts in withdrawal treatment with subsequent relapse to illicit opiate use. The methods used to make confirmations and the types of documentation to be maintained in the patient's record shall be stated in the protocol. At least seven days shall have elapsed since completion of the immediately preceding episode of withdrawal treatment if it is to be used to satisfy this subsection.

(3) A minimum age of 18 years.

(4) Certification by a physician of fitness for replacement narcotic therapy based upon physical examination, medical history, and indicated laboratory findings. Plans for correction of existing medical problems should be indicated.

(5) Evidence of observed signs of physical dependence.

(A) An applicant who has resided in a penal or chronic care institution for one month or longer may be admitted to maintenance treatment within one month of release without documented evidence to support findings of physical dependence, provided the person would have been eligible for admission before he or she was incarcerated or institutionalized and, in the clinical judgment of the medical director or program physician, treatment is medically justified.

(B) Previously treated patients who voluntarily detoxified from maintenance treatment may be admitted to maintenance treatment without documentation of current physical dependence within six months after discharge, if the program is able to document prior maintenance treatment of six months or more and, in the clinical judgment of the medical director or program physician, treatment is medically justified. Patients admitted pursuant to this subsection may, at the discretion of the medical director or program physician, be granted the same take-home step level they were on at the time of discharge.

(6) Pregnant patients who are currently physically dependent on opiates and have had a documented history of addiction to opiates in the past may be admitted to maintenance treatment without documentation of a two-year addiction history or two prior treatment failures, provided the medical director or program physician, in his or her clinical judgment, finds treatment to be medically justified.

(e) Pregnant patients admitted pursuant to (d)(6) immediately above shall be reevaluated by the program physician not later than 60 days following termination of the pregnancy in order to determine whether continued maintenance treatment is appropriate.

(f) All information used in-patient selections shall be documented in the patients' records.

(g) The protocol for each program shall set forth all procedures and criteria used to satisfy the requirements of this section.

*******END TITLE 9*******

(D) For each beneficiary, the provider shall:

***ESTABLISHED
MEDICAL
NECESSITY***

(i) Establish medical necessity consistent with Section 51303. For purposes of these regulations, medical necessity is established by the physician's admission of each beneficiary pursuant to Subsection (h)(1) of this regulation, the physician's review and signature of each beneficiary's treatment plan and updates pursuant to Subsection (h)(2) of this regulation, and the physician's determination to continue services pursuant to Subsection (h)(5) of this regulation; and

***DIAGNOSTIC
STATISTICAL
MANUAL
(DSM)
CODES***

(ii) Identify the applicable Diagnostic and Statistical Manual of Mental Disorders Third Edition-Revised or Fourth Edition diagnostic code.

(2) Treatment plan for each beneficiary

(A) For a beneficiary admitted to outpatient drug free, day care habilitative, perinatal residential, and Naltrexone treatment services **the provider shall prepare an individualized written treatment plan, based upon the information obtained in the intake and assessment process.**

(i) The initial treatment plan **shall include:**

***TREATMENT PLANS
ODF
DCH
PERINATAL
NALTREXONE***

- (a) A statement of problems to be addressed;
- (b) Goals to be reached which address each problem;
- (c) Action steps which will be taken by the provider, and/or beneficiary to accomplish identified goals;
- (d) Target dates for the accomplishment of action steps and goals;
- (e) A description of the services, including the type of counseling, to be provided and the frequency thereof; and
- (f) The assignment of a primary counselor.

(ii) The provider shall ensure that **the initial treatment plan meets the following requirements:**

***TREATMENT PLAN
SIGNATURES,
DATES, TIMELINES***

- (a) The counselor shall complete and sign within thirty (30) calendar days of the admission to treatment date, and
- (b) The physician shall review, approve, and sign within fifteen (15) calendar days of signature by the counselor.

(iii) The provider shall ensure that the **treatment plan is reviewed and updated as described below:**

**TREATMENT
PLAN
UPDATES**

(a) The counselor shall review and sign the updated treatment plan no later than ninety (90) calendar days after signing the initial treatment plan, and no later than every ninety (90) calendar days thereafter, or when a change in problem identification or focus of treatment occurs, whichever comes first.

(b) Within fifteen (15) calendar days of signature by the counselor, the physician shall review, approve, and sign all updated treatment plans. If the physician has not prescribed medication, a psychologist licensed by the State of California Board of Psychology may sign an updated treatment plan.

**TREATMENT
PLANS
NTP**

? ? (B) For narcotic treatment programs, providers shall complete treatment plans in accordance with the requirements specified in Section 10305, Title 9, CCR.

*******BEGIN TITLE 9*******

§10305. Patient Treatment Plans.

(a) The primary counselor shall enter in the patient's record his or her name and the date the patient was assigned to the counselor.

(b) Detoxification Treatment Plan Requirements.

Programs shall develop an individualized treatment plan for each patient which shall include:

**DETOX
TREATMENT
PLANS**

(1) Provisions to assist the patient to understand illicit drug addictions and how to deal with them.

(2) Provisions for furnishing services to the patient as needed when the period of detoxification treatment is completed.

(3) The treatment services required and a description of the role they play in achieving the stated goals.

(4) The type and frequency of scheduled counseling services.

(c) Maintenance Treatment Plan Requirements.

Programs shall develop an individualized treatment plan for each patient.

(d) Prior to developing a patient's initial maintenance treatment plan, as required in paragraph (e) of this section, the primary counselor shall complete and document in the patient's record a needs assessment for the patient which shall include:

(1) A summary of the patient's psychological and sociological background, including his or her educational and vocational experience.

(2) An assessment of the patient's needs for:

(A) Health care as recorded within the overall impression portion of the physical examination;

(B) Employment;

(C) Education;

(D) Psychosocial, vocational rehabilitation, economic, and legal services.

(e) Within 28 calendar days after initiation of maintenance treatment the primary counselor shall develop the patient's initial maintenance treatment plan which shall include:

(1) Goals to be achieved by the patient based on the needs identified in paragraph (d) of this section and with estimated target dates for attainment in accordance with the following:

**MAINTENANCE
TREATMENT
PLAN**

(A) Short-term goals are those which are estimated to require ninety (90) days or less for the patient to achieve; and

(B) Long-term goals are those which are estimated to require a specified time exceeding ninety (90) days for the patient to achieve.

(2) Specific behavioral tasks the patient must accomplish to complete each short-term and long-term goal.

(3) A description of the type and frequency of counseling services that are to be provided to the patient, as required in Section 10345.

(4) An effective date based on the day the primary counselor signed the initial treatment plan.

(f) The primary counselor shall evaluate and update the patient's maintenance treatment plan whenever necessary or at least once every three months from the date of admission. This updated treatment plan shall include:

**UPDATE
WINDOWS**

(1) A summary of the patient's progress or lack of progress toward each goal identified on the previous treatment plan.

(2) New goals and behavioral tasks for any newly identified needs, and related changes in the type and frequency of counseling services as required in Section 10345.

(3) An effective date based on the day the primary counselor signed the updated treatment plan.

(g) The supervising counselor shall review the initial maintenance treatment plan, along with the corresponding needs assessment, and all updated maintenance treatment plans within fourteen (14) calendar days from the effective dates and shall countersign these documents to signify concurrence with the findings.

(h) The medical director shall review the initial maintenance treatment plan, along with the corresponding needs assessment, and all updated maintenance treatment plans within fourteen (14) calendar days from the effective dates and shall record the following:

(1) Countersignature to signify concurrence with the findings; and

(2) Amendments to the plan where medically deemed appropriate.

*****END TITLE 9*****

(3) Progress notes shall be legible and completed as follows:

**PROGRESS
NOTES**

**ODF
NALTREXONE**

(A) For outpatient drug free or Naltrexone treatment services, the counselor shall record a progress note for each beneficiary participating in an individual or group counseling session. Progress notes are individual narrative summaries and shall include:

(i) A description of the beneficiary's progress on the treatment plan problems, goals, actions steps, objectives, and/or referrals; and

(ii) Information on a beneficiary's attendance including the date (month, day, year) and duration in minutes of individual or group counseling sessions.

(B) For day care habilitative and perinatal residential treatment services, the counselor shall record a progress note, at a minimum, once a week. The progress notes are individual narrative summaries and shall include:

**PROGRESS
NOTES**

**DCH
PERINATAL**

(i) The time period covered by the summary. The period shall be no more than seven (7) days.

(ii) A description of the beneficiary's progress on the treatment plan problems, goals, actions steps, objectives, and/or referrals; and

(iii) A record of the beneficiary's attendance at each counseling session including the date (month, day, year) and duration of the counseling session.

**PROGRESS
NOTES
NTP**

? ? (C) For narcotic treatment programs, the counselor shall record progress notes in accordance with the requirements of Section 10345, Title 9, CCR.

*******BEGIN TITLE 9*******

§10345. Counseling Services in Maintenance Treatment.

(a) Upon completion of the initial treatment plan, the primary counselor shall arrange for the patient to receive at the licensed program a minimum of 50 (fifty) minutes of counseling services per calendar month, except as allowed in paragraph (e)(4) of this section, and shall be in accordance with the following:

(b) A counseling session shall qualify for the requirement in Subsection (a) of this regulation if:

**NTP
COUNSELING
REQUIREMENTS**

(1) The program staff member conducting the session meets minimum counselor qualifications, as specified in Section 10125.

(2) The session is conducted in a private setting in accordance with all applicable federal and state regulations regarding confidentiality.

(3) The format of the counseling session shall be one of the following:

**NTP
INDIVIDUAL**

(A) Individual session, with face-to-face discussion with the patient, on a one-on-one basis, on issues identified in the patient's treatment plan.

**NTP
GROUP**

(B) Group session, with a minimum of four patients and no more than ten patients and having a clear goal and/or purpose that is a common issue identified in the treatment plans of all participating patients.

**NTP
PSYCHOTHERAPY**

(C) Medical psychotherapy session, with face-to-face discussion conducted by the medical director on a one-on-one basis with the patient, on issues identified in the patient's treatment plan.

(c) The following shall not qualify as a counseling session for the requirement in Subsection (a) of this regulation:

**NTP
NON-
QUALIFYING
SESSIONS**

(1) Interactions conducted with program staff in conjunction with dosage administration.

(2) Self-help meetings, including the 12-step programs of Narcotic Anonymous, Methadone Anonymous, Cocaine Anonymous, and Alcoholics Anonymous.

(3) Educational sessions, including patient orientation sessions specified in Sections 10280 and 10285.

(4) Administrative intervention regarding payment of fees.

(d) The counselor conducting the counseling session shall document in the patient's record within 14 (fourteen) calendar days of the session the following information:

(1) Date of the counseling session;

(2) Type of counseling format (i.e., individual, group, or medical psychotherapy);

(3) The duration of the counseling session in ten-minute intervals, excluding the time required to document the session as required in Subsection (d)(4) of this regulation; and

(4) Summary of the session, including one or more of the following:

(A) Patient's progress towards one or more goals in the patient's treatment plan.

(B) Response to a drug-screening specimen which is positive for illicit drugs or is negative for the replacement narcotic therapy medication dispensed by the program.

(C) New issue or problem that affects the patient's treatment.

(D) Nature of prenatal support provided by the program or other appropriate health care provider.

(E) Goal and/or purpose of the group session, the subjects discussed, and a brief summary of the patient's participation.

**NTP
COUNSELING
PROGRESS
NOTES**

**NTP
WAIVER OF
MINIMUM
COUNSELING**

(e) The medical director may adjust or waive at any time after admission, by medical order, the minimum number of minutes of counseling services per calendar month as specified in paragraph (a) of this section. The medical director shall document the rationale for the medical order to adjust or waive counseling services in the patient's treatment plan as specified in Section 10305(h).

(4) Minimum provider and beneficiary contact

**MINIMUM
SERVICES**

**ODF
DCH
PERINATAL
NALTREXONE**

(A) For outpatient drug free, day care habilitative, perinatal residential, or Naltrexone treatment services, a beneficiary shall be provided a minimum of two (2) counseling sessions per thirty (30) day period except when the provider determines that:

- (i) Fewer beneficiary contacts are clinically appropriate; and
- (ii) The beneficiary is progressing toward treatment plan goals.

**MINIMUM
NTP
COUNSELING**

(B) Narcotic treatment program providers shall provide counseling in accordance with Section 10345, Title 9, CCR. A beneficiary shall receive a **minimum of fifty (50) minutes of counseling per calendar month**. Waivers of this requirement shall be in accordance with Section 10345, Title 9, CCR.

(5) Continuing services shall be justified as shown below:

(A) For outpatient drug free, day care habilitative, perinatal residential, and Naltrexone treatment services:

**CONTINUING
SERVICES**

**ODF
DCH
PERINATAL
NALTREXONE**

(i) No sooner than five (5) months and no later than six (6) months the beneficiary's admission to treatment date or the date of completion of the most recent justification for continuing services, the counselor shall review the progress and eligibility of the beneficiary to continue to receive treatment services.

(ii) If the counselor recommends that the beneficiary requires further treatment, the physician shall determine the need to continue services based on the following factors:

- (a) The medical necessity of continuing treatment;
- (b) The prognosis; and
- (c) The counselor's recommendation for the beneficiary to continue receiving services.

**CONTINUING
SERVICES
NTP**

(iii) The provider shall discharge the beneficiary if the physician determines there is no medical necessity to continue treatment.

(B) For narcotic treatment program services, the review to determine continuing need for services shall be performed in accordance with Section 10410, Title 9, CCR.

*******BEGIN TITLE 9*******

§10410. Scheduled Termination of Maintenance Treatment.

(a) The medical director or program physician shall discontinue a patient's maintenance treatment within two continuous years after such treatment is begun unless he or she completes the following:

***NTP
CONTINUOUS
TREATMENT
REQUIREMENTS***

(1) Evaluates the patient's progress, or lack of progress in achieving treatment goals as specified in Section 10305(f)(1); and

(2) Determines, in his or her clinical judgement, that the patient's status indicates that such treatment should be continued for a longer period of time because discontinuance from treatment would lead to a return to opiate addiction.

(b) Patient status relative to continued maintenance treatment as specified in paragraph (a) of this section shall be re-evaluated at least annually after two continuous years of maintenance treatment.

(c) The medical director or program physician shall document in the patient's record the facts justifying his or her decision to continue the patient's maintenance treatment as required by subsections (a) and (b).

(d) Each program shall submit in its protocol a specific plan for scheduled termination of maintenance treatment indicating an average period for a maintenance treatment episode before such scheduled termination. This termination plan shall include information on counseling and any other patient support which will be provided during withdrawal.

*******END TITLE 9*******

DISCHARGE

(6) Discharge of a beneficiary from treatment may occur on a voluntary or involuntary basis. In addition to the requirements of this subsection, an involuntary discharge is subject to the requirements set forth in Subsection (p) of this regulation. The provider shall complete a discharge summary for each beneficiary in accordance with the following requirements:

(A) For outpatient drug free, day care habilitative, perinatal residential, and Naltrexone treatment services, the provider shall complete the discharge summary within thirty (30) calendar days of the date of the last face-to-face treatment contact with the beneficiary. The discharge summary shall include:

***DISCHARGE
ODF
DCH
PERINATAL-
RESIDENTIAL***

(i) The duration of the beneficiary's treatment as determined by the dates of admission to and discharge from treatment;

(ii) The reason for discharge;

(iii) A narrative summary of the treatment episode; and

(iv) The beneficiary's prognosis.

***NTP
DISCHARGE***

(B) For narcotic treatment program services, the discharge summary shall meet the requirements of Section 10415, Title 9, CCR.

*******BEGIN TITLE 9*******

***NTP
VOLUNTARY
TERMINATION***

§10415. Treatment Termination Procedures.

(a) A patient may voluntarily terminate participation in a program even though termination may be against the advice of the medical director or program physician.

(b) If the medical director or program director determines that the patient's continued participation in the program creates a physically threatening situation for staff or other patients, the patient's participation may be terminated immediately.

(c) A patient's participation in a program may be involuntarily terminated by the medical director or program physician for cause.

(d) If a program utilizes disciplinary proceedings which include involuntary termination for cause, the program shall include in its protocol reasons and procedures for involuntarily terminating a patient's participation in the program. The procedures shall provide for:

***NTP
PATIENT'S
INVOLUNTARY
TERMINATION
RIGHTS***

(1) Explanation to the patient of when participation may be terminated for cause.

(2) Patient notification of termination.

(3) Patient's right to hearing.

(4) Patients right to representation.

(e) If the program elects not to terminate for cause, the protocol shall state that patients shall not be involuntarily terminated for cause except as provided in (b) above.

(f) Except as noted in (b) above, either voluntary or involuntary termination shall be individualized, under the direction of the medical director or program physician, and take place over a period of time not less than 15 days, unless:

(1) The medical director or program physician deems it clinically necessary to terminate participation sooner and documents why in the patient's record;

(2) The patient requests in writing a shorter termination period; or

(3) The patient is currently within a 21-day detoxification treatment episode.

(g) The program shall complete a discharge summary for each patient who is terminated from treatment, either voluntarily or involuntarily. The discharge summary shall include at least the following:

***NTP
DISCHARGE
SUMMARY***

(1) The patient's name and date of discharge;

(2) The reason for the discharge; and

(3) A summary of the patient's progress during treatment.

*******END TITLE 9*******

FEES

(7) Except where share of cost, as defined in Section 50090, is applicable, providers shall accept proof of eligibility for Drug Medi-Cal as payment in full for treatment services rendered. Providers shall not charge fees to beneficiaries for access to Drug Medi-Cal substance abuse services or for admission to a Drug Medi-Cal treatment slot.

(i) Providers shall maintain the following documentation in the individual patient record established pursuant to subsection (g)(1) for each beneficiary for a minimum of three (3) years from the date of the last face-to-face contact. If an audit takes place during the three-year period, the provider shall maintain records until the audit is completed.

***RECORD
RETENTION***

(1) Evidence that the beneficiary met the admission criteria specified listed in Subsection (h)(1) of this regulation;

(2) Treatment plan(s) as described in Subsection (h)(2) of this regulation;

(3) Progress notes as described in Subsection (h)(3) of this regulation;

(4) Evidence that the beneficiary received counseling as described in Subsection (h)(4) of this regulation with exceptions of waivers noted, signed, and dated by the physician in the beneficiary's treatment plan;

(5) Justification for continuing services as described in Subsection (h)(5) of this regulation;

(6) Discharge summary as described in Subsection (h)(6) of this regulation;

(7) Evidence of compliance with requirements for the specific treatment service as described in Subsection (d) of this regulation;

(8) Evidence that the beneficiary met the requirements for good cause specified in Section 51008.5 where the good cause results from beneficiary-related delays; and

(9) Evidence that the provider complied with the multiple billing requirements specified in Section 51490.1(d).

(j) Reimbursement for Drug Medi-Cal Substance Abuse Services

(1) ADP shall not reimburse a provider for services not rendered or received by a beneficiary.

(2) In order to receive and retain reimbursement for services provided to a beneficiary, the provider shall comply with the requirements listed in Subsection (i) of this regulation.

(3) When a beneficiary receives services from more than one provider, ADP shall reimburse only one provider for a single unit of service provided at a single certified location on a calendar day.

(4) For outpatient drug free, day care habilitative, and Naltrexone treatment services, ADP may reimburse the provider for an additional unit of service on a calendar day under the circumstances listed below. The additional unit of service shall be reimbursed pursuant to Section 51490.1(d) and shall be documented in the individual patient record as a separate unit of service in accordance with Subsection (h)(3) of this regulation.

(A) Outpatient drug free and Naltrexone for crisis intervention or collateral services; or

(B) Day care habilitative for crisis intervention.

(5) ADP shall reimburse a narcotic treatment program for services based on Section 51516.1. If the beneficiary receives less than a full month of services, ADP shall prorate reimbursement to the daily rate per beneficiary, based on the annual rate per beneficiary and a 365-day year pursuant to Section 11758.42(g) of the Health and Safety Code.

11758.42(g) Health and Safety Code

(g) Reimbursement for narcotic treatment program services provided by narcotic treatment program providers shall, if the patient receives less than a full month of services, be prorated to the daily cost per patient, based on the annual cost per patient and a 365-day year. No program shall be reimbursed for services not rendered to or received by a patient of a narcotic treatment program.

(k) ADP shall conduct a postservice postpayment utilization review of Drug Medi-Cal substance abuse services. The review shall:

(1) Verify that the documentation requirements of Subsection (i) of this regulation are met;

(2) Verify that each beneficiary meets the admission criteria, including the use of an appropriate Diagnostic and Statistical Manual of Mental Disorders Third Edition-Revised or Fourth Edition diagnostic code, and medical necessity for services is established pursuant to Subsection (h)(1)(D) of this regulation;

(3) Verify that a treatment plan exists for each beneficiary and that the provider rendered services claimed for reimbursement in accordance with the requirements set forth in Subsection (h) of this regulation; and

(4) Establish the basis for recovery of payments in accordance with Subsection (m) of this regulation.

(l) In determining compliance and demand for recovery of payment actions, ADP shall base its findings on a sampling of beneficiary records and other records of the provider.

(m) In addition to the provisions of Section 51458.1(a), ADP shall recover overpayments to providers for any of the following reasons:

§51458.1. Cause for Recovery of Provider Overpayments.

(a) The Department shall recover overpayments to providers including, but not limited to, payments determined to be:

- (1) In excess of program payment ceilings or allowable costs.*
- (2) In excess of the amounts usually charged by a provider.*
- (3) For services not documented in the provider's records, or for services where the provider's documentation justifies only a lower level of payment.*
- (4) Based upon false or incorrect claims or cost reports from providers.*
- (5) For services deemed to have been excessive, medically unnecessary or inappropriate.*
- (6) For services prescribed, ordered or rendered by persons who did not meet the standards for participation in the Medi-Cal program at the time the services were prescribed, ordered or rendered.*
- (7) For services not covered by the program.*
- (8) For services to persons not eligible for program coverage when the services were provided.*
- (9) For Medi-Cal covered services already paid for by the beneficiary, but not yet refunded, or for services already reimbursed by the Department or other coverage.*
- (10) For services that should have been billed to other coverage.*
- (11) For services not ordered or prescribed, when an order or prescription is required.*
- (12) For services not authorized, when a treatment authorization request is required.*
- (13) In violation of any other Medi-Cal regulation where overpayment has occurred.*

(b) The provisions of Sections 51488 and 51488.1 shall prevail in circumstances that conflict with this section.

(1) For all providers who:

- (A) Claimed reimbursement for a service not rendered.
- (B) Claimed reimbursement for a service at an uncertified location.
- (C) Failed to meet the requirements of Subsection (h)(1)(D) of this regulation.
- (D) Used erroneous, incorrect, or fraudulent good cause codes and procedures specified in Sections 51008 and 51008.5.
- (E) Used erroneous, incorrect, or fraudulent multiple billing codes and certification processes specified in Section 51490.1(d).

(2) For outpatient drug free, day care habilitative, perinatal residential, and Naltrexone treatment services:

- (A) The provider failed to meet the time frames of Subsections (h)(1)(A)(iii), (h)(2)(A)(ii), (h)(2)(A)(iii), or (h)(5)(A) of this regulation.
- (B) The provider received reimbursement in excess of the limits set forth in Section 51516.1(a).

(3) For narcotic treatment programs, because the provider failed to meet:

- (A) The admission criteria time frames specified in Section 10270, Title 9, CCR.
 - (B) The time frames for treatment plan completion and for review specified in Section 10305, Title 9, CCR.
 - (C) The continuing treatment time frames specified in Section 10410, Title 9, CCR.
- (4) The provider received reimbursement for an ineligible narcotic treatment program individual or group counseling session. For purposes of this subsection, “ineligible narcotic treatment program individual or group counseling session” means:
- (A) The counseling session does not meet the minimum requirements set forth in Section 10345, Title 9, CCR;
 - (B) The counseling session is not the type specified in the treatment plan required by Section 10305, Title 9, CCR; or
 - (C) The frequency of counseling exceeds that specified in the treatment plan required by Section 10305, Title 9, CCR.
- (5) The provider received reimbursement for an ineligible individual counseling session. For purposes of this subsection “ineligible individual counseling session” means an individual counseling session which does not meet the requirements specified in Subsection (b)(9) and, for outpatient drug free treatment services, Subsection (d)(2)(B) of this regulation.
- (6) The provider received reimbursement for an ineligible group counseling session. For purposes of this subsection, “ineligible group counseling session” means a group counseling session which does not meet the requirements specified in Subsection (b)(8) of this regulation.
- (7) The provider received reimbursement for an ineligible day care habilitative unit of service. For purposes of this subsection, “ineligible day care habilitative unit of service” means a unit of service that was less than three hours of service on the calendar day billed or provided to a non-pregnant, non-postpartum or non-EPSTD eligible beneficiary.
- (n)** ADP shall utilize the procedures contained in Section 51458.2 to determine the amount of the demand for recovery of payment.
- (o)** Provider noncompliance with other requirements set forth in this section shall be noted as programmatic deficiencies. ADP shall issue a report to the provider documenting any demand for recovery of payment and/or programmatic deficiencies and the provider shall submit a corrective action plan within sixty (60) calendar days of the date of the report. The plan shall:
- (1) Address each demand for recovery of payment and/or programmatic deficiency;
 - (2) Provide a specific description of how the deficiency shall be corrected; and

(3) Specify the date of implementation of the corrective action.

(p) Providers shall inform all beneficiaries of their right to a fair hearing related to denial, involuntary discharge, or reduction in Drug Medi-Cal substance abuse services as it relates to their eligibility or benefits, pursuant to Section 50951.

(1) Providers shall advise beneficiaries in writing at least ten (10) calendar days prior to the effective date of the intended action to terminate or reduce services. The written notice shall include:

***FAIR
HEARING
RIGHTS***

(A) A statement of the action the provider intends to take;

(B) The reason for the intended action;

(C) A citation of the specific regulation(s) supporting the intended action;

(D) An explanation of the beneficiary's right to a fair hearing for the purpose of appealing the intended action;

(E) An explanation that the beneficiary may request a fair hearing by submitting a written request to:

ADMINISTRATIVE ADJUDICATION DIVISION
DEPARTMENT OF SOCIAL SERVICES
744 P STREET, MS 19-37
SACRAMENTO, CA 95814
TELEPHONE: 1-800-743-8525
T.D.: 1-800-952-8349

(F) An explanation that the provider shall continue treatment services pending a fair hearing decision only if the beneficiary appeals in writing to ADP for a hearing within ten (10) calendar days of the mailing or personal delivery of the notice of intended action.

(2) All fair hearings shall be conducted in accordance with Section 50953.

(q) County and Provider Administrative Appeals

A provider and/or county may appeal Drug Medi-Cal dispositions concerning demands for recovery of payment and/or programmatic deficiencies of specific claims. Such appeals shall be handled pursuant to Section 51015 in accordance with the Interagency Agreement between ADP and DHS.

(1) Requests for first-level appeals, grievances, and complaints will be managed as follows:

(A) The provider and/or county shall initiate action by submitting a letter to:

DEPUTY DIRECTOR
PROGRAM OPERATIONS DIVISION
DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS
1700 K STREET
SACRAMENTO, CA 95814-4037

(i) The provider and/or county shall submit the letter on the official stationery of the provider and/or county and it shall be signed by an authorized representative of the provider and/or county.

(ii) The letter shall specify that it is being submitted in accordance with Section 51015.

(iii) The letter shall identify the specific claim(s) involved and describe the disputed (in) action regarding the claim.

(B) The letter shall be submitted to the address listed in Subsection (q)(1)(A) of this regulation within ninety (90) calendar days from the date the provider and/or county received written notification of the decision to disallow claims.

(C) ADP shall acknowledge the letter within fifteen (15) calendar days of its receipt.

(D) ADP shall inform the provider and/or county of ADP's decision and the basis for the decision within fifteen (15) calendar days after ADP's acknowledgement notification. ADP shall have the option of extending the decision response time if additional information is required from the provider and/or county. The provider and/or county will be notified if ADP extends the response time limit.

(2) A provider and/or county may initiate a second level appeal, grievance or complaint to DHS.

(A) The second level process may be pursued only after complying with first-level procedures and only when:

(i) ADP has failed to acknowledge the grievance or complaint within fifteen (15) calendar days of its receipt, or

(ii) The provider and/or county is dissatisfied with the action taken by ADP where the conclusion is based on ADP's evaluation of the merits.

The second-level appeal shall be submitted to DHS within thirty (30) calendar days from the date ADP failed to acknowledge the first-level appeal or from the date of the ADP first-level appeal decision.

(B) All second-level appeals made in accordance with this section shall be directed to:

CHIEF
MEDI-CAL POLICY DIVISION
DEPARTMENT OF HEALTH SERVICES
714 P STREET, ROOM 1561
SACRAMENTO, CA 95814

(C) In referring an appeal, grievance, or complaint to DHS, the provider and/or county shall submit:

- (i) A copy of the original written grievance or complaint sent to ADP;
- (ii) A copy of ADP's report to which the appeal, grievance, or complaint applies; and
- (iii) If received by the provider and/or county, a copy of ADP's specific finding(s), and conclusion(s) regarding the appeal, grievance, or complaint with which the provider and/or county is dissatisfied.

NOTE

Authority cited: Sections 10725, 14021.3, 14021.5, 14021.6, 14124.1 and 14124.5, Welfare and Institutions Code; Section 11758.41, Health and Safety Code; and Statutes of 1996, Chapter 1027. Reference: Sections 14021, 14021.3, 14021.5, 14021.6, 14124.1, 14132.90 and 14133, Welfare and Institutions Code; Sections 11758.42, 11758.46 and 11758.47, Health and Safety Code; Sections 436.122, 456.21, 456.22 and 456.23, Title 42, Code of Federal Regulations; Statutes of 1996, Chapter 162, Items 4200-101-0001 and 4200-102-0001; and Statutes of 1996, Chapter 1027.

HISTORY

1. New section filed 12-14-95 as an emergency; operative 12-14-95 (Register 95, No. 50). A Certificate of Compliance must be transmitted to OAL by 4-12-96 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1 (Register 96, No. 16).
3. New section filed 4-16-96 as an emergency; operative 4-16-96 (Register 96, No. 16). A Certificate of Compliance must be transmitted to OAL by 8-14-96 or emergency language will be repealed by operation of law on the following day.

4. Certificate of Compliance as to 4-16-96 order transmitted to OAL 8-13-96 and filed 9-25-96 (Register 96, No. 39).

5. Amendment of section and Note filed 5-12-97 as an emergency; operative 5-12-97 (Register 97, No. 20). A Certificate of Compliance must be transmitted to OAL by 9-9-97 or emergency language will be repealed by operation of law on the following day.

6. Amendment of section heading, section and Note filed 6-30-97 as an emergency; operative 7-1-97 (Register 97, No. 27). A Certificate of Compliance must be transmitted to OAL by 10-29-97 or emergency language will be repealed by operation of law on the following day.

7. Certificate of Compliance as to 5-12-97 order transmitted to OAL 8-13-97 and filed 9-23-97 (Register 97, No. 39).

8. Amendment of section heading, section and Note refiled 10-6-97 as an emergency; operative 10-29-97 (Register 97, No. 41). A Certificate of Compliance must be transmitted to OAL by 2-26-98 or emergency language will be repealed by operation of law on the following day.

9. Amendment of section heading, section and Note refiled 1-14-98 as an emergency; operative 2-26-98 (Register 98, No. 3). A Certificate of Compliance must be transmitted to OAL by 6-26-98 or emergency language will be repealed by operation of law on the following day.

10. Certificate of Compliance as to 1-14-98 order, including further amendment of section heading, section and Note, transmitted to OAL 6-11-98 and filed 6-29-98 (Register 98, No. 27).

§51490.1. Claim Submission Requirements for Counties and Providers of Drug Medi-Cal Substance Abuse Services.

(a) Claims from counties and providers for reimbursement of outpatient drug free, day care habilitative, narcotic treatment program, Naltrexone treatment, and perinatal residential treatment services shall be presented to ADP no later than thirty (30) calendar days after the month of service, unless the county or provider has good cause, as specified in Sections 51008 and 51008.5. The county or provider shall produce, upon request by ADP for audit or monitoring purposes, documentation to substantiate the good cause.

(b) ADP shall present such claims to DHS no later than sixty (60) calendar days after the month of service, or thirty (30) calendar days after the date ADP receives such claims, if the requirements of Subsection (a) of this regulation have been met.

(c) ADP shall resubmit claims, which have been returned by DHS for correction or additional information, within 97 calendar days from the current date (i.e., computer run date) shown on the Error Correction Reports from DHS.

(d) An additional unit of service, or a multiple service billing, provided to a beneficiary on the same day may be claimed up to the maximum amount allowable if the beneficiary's return visit is to the same provider and the return visit service is not a duplicate to, or the same as, the service previously provided to the beneficiary on the same day.

**2nd
SERVICE
SAME
DAY**

“Multiple billing” means a claim is being made for a return, face-to-face visit, which is for an additional service to a previously provided service on that same day. Documentation shall include a “Multiple billing override code”. “Multiple billing override code” means the code, designated by the prefix “Y”, that is entered on the Drug Medi-Cal Eligibility Worksheet (Form ADP 1584, revised June 6, 1996) or an error correction report from DHS, to indicate that a valid return visit was provided. The county and/or provider shall prepare and retain, in the beneficiary's patient record, a Multiple Billing Override Certification (Form ADP 7700, Revised 5/97), certifying that a review of the client's record substantiated the multiple service. The form shall be signed by the person authorized to represent the county and/or provider.

(1) For outpatient drug free and Naltrexone treatment services:

(A) The return visit shall not create a hardship on the beneficiary; and

(B) The return visit shall be clearly documented in the beneficiary's progress notes with the time of day each visit was made. The progress notes shall clearly reflect that an effort was made to provide all necessary services during one visit and the return visit was unavoidable; or,

(C) The return visit shall be a crisis or collateral service. Collateral services shall be documented in the beneficiary's treatment plan in accordance with the beneficiary's short/long-term goals. The beneficiary's progress notes shall specifically reflect the steps taken to meet the goals defined in the beneficiary's treatment plan.

(2) For day care habilitative services, the return visit shall be a crisis service. Crisis services shall be documented in the progress notes.

(3) The county and/or provider shall prepare and keep on file a statement which documents the reason the beneficiary required a return visit. This statement shall be produced upon request by ADP for audit or monitoring purposes.

NOTE

Authority cited: Sections 10725, 14021.5 and 14124.5, Welfare and Institutions Code; Section 11758.41, Health and Safety Code; and Statutes of 1996, Chapter 1027. Reference: Section 14021.5, Welfare and Institutions Code; Sections 11758.42 and 11758.46, Health and Safety Code; and Statutes of 1996, Chapter 1027.

HISTORY

1. New section filed 12-14-95 as an emergency; operative 12-14-95 (Register 95, No. 50). A Certificate of Compliance must be transmitted to OAL by 4-12-96 or emergency language will be repealed by operation of law on the following day.

2. Repealed by operation of Government Code section 11346.1 (Register 96, No. 16).

3. New section filed 4-16-96 as an emergency; operative 4-16-96 (Register 96, No. 16). A Certificate of Compliance must be transmitted to OAL by 8-14-96 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4-16-96 order, including amendment of subsection (a) and new subsections (a)(1)-(a)(2)(B), transmitted to OAL 8-13-96 and filed 9-25-96 (Register 96, No. 39).
5. Amendment of section heading and section filed 5-12-97 as an emergency; operative 5-12-97 (Register 97, No. 20). A Certificate of Compliance must be transmitted to OAL by 9-9-97 or emergency language will be repealed by operation of law on the following day.
6. Amendment of section heading, section and Note filed 6-30-97 as an emergency; operative 7-1-97 (Register 97, No. 27). A Certificate of Compliance must be transmitted to OAL by 10-29-97 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 5-12-97 order transmitted to OAL 8-13-97 and filed 9-23-97 (Register 97, No. 39).
8. Amendment of section heading, section and Note refiled 10-6-97 as an emergency; operative 10-29-97 (Register 97, No. 41). A Certificate of Compliance must be transmitted to OAL by 2-26-98 or emergency language will be repealed by operation of law on the following day.
9. Amendment of section heading, section and Note refiled 1-14-98 as an emergency; operative 2-26-98 (Register 98, No. 3). A Certificate of Compliance must be transmitted to OAL by 6-26-98 or emergency language will be repealed by operation of law on the following day.
10. Certificate of Compliance as to 1-14-98 order, including further amendment of section heading, section and Note, transmitted to OAL 6-11-98 and filed 6-29-98 (Register 98, No. 27).
11. Change without regulatory effect relocating forms ADP 7700 and ADP 1584 from section 51516.1 to section 51490.1 filed 4-4-2000 pursuant to section 100, title 1, California Code of Regulations (Register 2000, No. 14).

§51516.1. Reimbursement Rates for Drug Medi-Cal Substance Abuse Program Services.

(a) Reimbursement for Naltrexone treatment, outpatient drug free treatment, day care habilitative, and perinatal residential treatment services shall be based on the lowest of the following:

- (1) The provider's usual and customary charge to the general public for the same or similar services;
- (2) The provider's allowable cost of rendering the services, as defined in Section 11987.5 of the Health and Safety Code; or
- (3) The statewide maximum allowances (SMAs) for Fiscal Year 2000-2001, which ADP shall establish in accordance with Section 14021.6 of the Welfare and Institutions Code. The SMAs for the following Drug Medi-Cal substance abuse program services for Fiscal Year 2000-2001 are:

SEE CURRENT YEAR ADP BULLETIN

(A) The SMA for counseling sessions for outpatient drug free services shall be prorated annually as follows:

1. The SMA for an individual counseling session shall be prorated annually using the percentage computed by dividing the total actual time for all counseling sessions by the total time which would have been spent if all counseling sessions were 50 minutes in duration. This percentage (not to exceed 100 percent) shall be applied to the SMA to determine the maximum reimbursement rate.

Example: $\text{Total Session Time} / (50 \text{ minutes} \times \text{Number of Sessions}) \times \text{SMA} = \text{Prorated SMA}$.

2. The SMA for a group counseling session shall be prorated annually using the percentage computed by dividing the total actual time for all counseling sessions by the total time which would have been spent if all counseling sessions were 90 minutes in duration. This percentage (not to exceed 100 percent) shall be applied to the SMA per person to determine the maximum reimbursement rate.

Example: $\text{Total Session Time} / (90 \text{ minutes} \times \text{Number of Sessions}) \times \text{SMA} = \text{Prorated SMA}$.

3. To qualify as a group counseling session there shall be at least one Medi-Cal beneficiary in a group of no less than four and no more than ten individuals.

(b) Reimbursement for narcotic treatment program services shall be limited to the lower of the following:

(1) A uniform statewide monthly reimbursement (USMR) rate; or

(2) The provider's usual and customary charge to the general public for the same or similar service.

(c) The USMR rate for narcotic treatment program services shall be based on the following:

(1) A per capita rate for each beneficiary receiving narcotic replacement therapy dosing, core, and lab work services:

(A) The narcotic replacement therapy dosing fee for methadone or LAAM shall include ingredient costs for an average daily dose of methadone or an average dose of LAAM dispensed to Medi-Cal beneficiaries;

(B) Where available, core and lab work services shall be based on and not exceed, for individual services or in the aggregate, outpatient rates for the same or similar service under the Medi-Cal fee-for-service program.

(d) The USMR rate for narcotic treatment program services shall be prorated to a daily rate per beneficiary if the beneficiary receives less than a full month of services. The daily rate shall be based on:

- (1) The annual rate per beneficiary; and
- (2) A 365-day year.

(e) Reimbursement for narcotic treatment program services shall not be provided for services not rendered to or received by a beneficiary.

(f) For narcotic treatment program services, the USMR rate shall consist of the following service components:

- (1) Core; laboratory work; and dosing which are described below:

(A) Core consists of a physical exam, a test/analysis for drug determination, intake assessment, initial treatment plan, and physician supervision.

(B) Laboratory work consists of a tuberculin skin test, a serological test for syphilis, drug screening (urinalysis), and pregnancy tests for female LAAM beneficiaries.

(C) Dosing consists of an ingredient and dosing fee.

- (2) Counseling services.

(g) For narcotic treatment program services, the USMR rate for each service component shall be as follows:

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The USMR rates include administrative costs for the county or ADP when ADP assumes the role of the county as described in Section 51341.1(f). Provider reimbursement shall be adjusted to reimburse the county or ADP for administrative costs.

(h) For narcotic treatment program services, counseling sessions shall meet the requirements specified in Section 10345, Title 9, CCR, and

- (1) A minimum of fifty (50) minutes of counseling per calendar month shall be provided to each beneficiary. Counseling shall be individual and/or group counseling which meets the requirements of Section 51341.1(b)(8) and/or (b)(9). Any waiver of the fifty (50) minute minimum for counseling shall be in accordance with Section 10345, Title 9, CCR.

(2) ADP shall reimburse a provider for up to a maximum of 200 minutes of counseling per calendar month, per beneficiary. Counseling shall be individual and/or group counseling which meets the requirements of Section 51341.1(b)(8) and (b)(9).

(3) A provider shall claim reimbursement for counseling in 10-minute increments.

NOTE

Authority cited: Sections 10725, 14021.3, 14021.5, 14021.6, 14105 and 14124.5, Welfare and Institutions Code; and Section 11758.41, Health and Safety Code. Reference: Sections 5705, 5715, 14021.5, 14021.6 and 14132.90, Welfare and Institutions Code; and Sections 11758.42 and 11758.46, Health and Safety Code.

HISTORY

1. New section filed 12-14-95 as an emergency; operative 12-14-95 (Register 95, No. 50). A Certificate of Compliance must be transmitted to OAL by 4-12-96 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1 (Register 96, No. 16).
3. New section filed 4-16-96 as an emergency; operative 4-16-96 (Register 96, No. 16). A Certificate of Compliance must be transmitted to OAL by 8-14-96 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4-16-96 order transmitted to OAL 8-13-96 and filed 9-25-96 (Register 96, No. 39).
5. Amendment of section and Note filed 5-12-97 as an emergency; operative 5-12-97 (Register 97, No. 20). A Certificate of Compliance must be transmitted to OAL by 9-9-97 or emergency language will be repealed by operation of law on the following day.
6. Amendment of section heading, section and Note, new forms ADP-6065, ADP-7700 and ADP-1584 filed 6-30-97 as an emergency; operative 7-1-97 (Register 97, No. 27). A Certificate of Compliance must be transmitted to OAL by 10-29-97 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 5-12-97 order transmitted to OAL 8-13-97 and filed 9-23-97 (Register 97, No. 39).
8. Amendment of section heading, section and Note, and new forms ADP-6065, ADP-7700 and ADP-1584 refiled 10-6-97 as an emergency; operative 10-29-97 (Register 97, No. 41). A Certificate of Compliance must be transmitted to OAL by 2-26-98 or emergency language will be repealed by operation of law on the following day.
9. Amendment of section heading, section and Note and new forms ADP-6065, ADP-7700 and ADP-1584 refiled 1-14-98 as an emergency; operative 2-26-98 (Register 98, No. 3). A Certificate of Compliance must be transmitted to OAL by 6-26-98 or emergency language will be repealed by operation of law on the following day.
10. Amendment of subsections (a)(3), (c)(1)(A), (f) and (f)(1), new subsections (f)(1)(A)-(C), repealer of subsections (f)(2)-(3), subsection renumbering, amendment of newly designated subsection (f)(2) and subsection (g), and amendment of Note filed 6-29-98 as an emergency; operative 7-1-98 (Register 98, No. 27). A Certificate of Compliance must be transmitted to OAL by 10-29-98 or emergency language will be repealed by operation of law on the following day.
11. Certificate of Compliance as to 1-14-98 order, including further amendment of section heading and subsections (c)(1)-(c)(1)(B), transmitted to OAL 6-11-98 and filed 6-29-98 (Register 98, No. 27).

12. Amendment of section and Note refiled 10-20-98 as an emergency; operative 10-30-98 (Register 98, No. 43). A Certificate of Compliance must be transmitted to OAL by 3-1-99 or emergency language will be repealed by operation of law on the following day.

13. Certificate of Compliance as to 10-20-98 order, including amendment of chart in subsection (g), transmitted to OAL 2-1-99 and filed 3-15-99 (Register 99, No. 12).

14. Amendment of subsections (a)(3)-(a)(3)(A), redesignation of subsections (a)(3)(A)(i)-(iii) as (a)(3)(A)1.-3., amendment of newly designated subsections (a)(3)(A)1.-2., and amendment of subsection (g) and Note filed 8-20-99 as an emergency; operative 8-20-99 (Register 99, No. 34). A Certificate of Compliance must be transmitted to OAL by 12-20-99 or emergency language will be repealed by operation of law on the following day. Pursuant to Welfare and Institutions Code section 14021.5(e), reimbursement rates for FY 1999-2000 Drug Medi-Cal Substance Abuse Program Services are retroactive to 7-1-99.

15. Certificate of Compliance as to 8-20-99 order transmitted to OAL 12-1-99 and filed 1-12-2000 (Register 2000, No. 2).

16. Change without regulatory effect relocating forms ADP 7700 and ADP 1584 from section 51516.1 to section 51490.1 filed 4-4-2000 pursuant to section 100, title 1, California Code of Regulations (Register 2000, No. 14).

17. Amendment of subsections (a), (a)(3) and (g) filed 3-21-2001 as an emergency; operative 3-21-2001 (Register 2001, No. 12). A Certificate of Compliance must be transmitted to OAL by 7-19-2001 or emergency language will be repealed by operation of law on the following day.

18. Certificate of Compliance as to 3-21-2001 order transmitted to OAL 7-12-2001 and filed 8-15-2001 (Register 2001, No. 33).